

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: December 12, 1995.

Susan G. Esserman,  
Assistant Secretary for Import  
Administration.

[FR Doc. 95-30784 Filed 12-18-95; 8:45 am]

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[A-580-815]

**Certain Cold-Rolled Carbon Steel Flat Products From Korea: Preliminary Results of Antidumping Duty Administrative Review**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce

**ACTION:** Notice of Preliminary Results of Antidumping Duty Administrative Review.

**SUMMARY:** In response to requests by two respondents, the Department of Commerce ("the Department") is conducting an administrative review of the antidumping duty order on certain cold-rolled carbon steel flat products from Korea. The review covers two manufacturers/exporters of the subject merchandise to the United States during the period of review ("POR") from August 18, 1993, through July 31, 1994.

We have preliminarily determined that sales have been made below the foreign market value ("FMV"). If these preliminary results are adopted in our final results of administrative review, we will instruct U.S. Customs to assess antidumping duties equal to the difference between the United States price ("USP") and the FMV.

Interested parties are invited to comment on these preliminary results. Parties who submit argument in this proceeding are requested to submit with the argument (1) a statement of the issue, and (2) a brief summary of the argument.

**EFFECTIVE DATE:** December 19, 1995.

**FOR FURTHER INFORMATION CONTACT:** Alain Letort or Linda Ludwig, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone (202) 482-3793 or fax (202) 482-1388.

**SUPPLEMENTARY INFORMATION:**

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute and to the Department's regulations are references

to the provisions as they existed on December 31, 1994.

**Background**

On July 9, 1993, the Commerce Department published in the Federal Register (58 FR 37176) the final affirmative antidumping duty determination on certain cold-rolled carbon steel flat products from Korea, for which we published an antidumping duty order on August 19, 1993 (58 FR 44159). On August 3, 1994, the Department published the "Notice of Opportunity to Request an Administrative Review" of this order for the period August 18, 1993 through July 31, 1994 (59 FR 39543). We received a request for an administrative review from Dongbu Steel Co., Ltd. ("Dongbu") and Union Steel Manufacturing Co., Ltd. ("Union"). We initiated the administrative review on September 8, 1994 (59 FR 46391).

In a letter dated February 1, 1995, petitioners formally requested that the Department consider Union and Dongkuk Industries Co., Ltd. ("DKI"), which was not a respondent initially, as related parties and "collapse" them as a single producer of cold-rolled carbon steel flat products.

In accordance with section 771(13) of the Tariff Act of 1930, as amended ("the Act"), the Department, in determining whether parties are related, considers whether the alleged related party:

1. Is an agent or principal of the exporter, manufacturer, or producer;
2. Owns or controls, directly or indirectly, through stock ownership or control or otherwise, any interest in the business of the exporter, manufacturer or producer;
3. Is a party in whose business the exporter, manufacturer, or producer owns or controls, directly or indirectly, any interest, through stock ownership or control or otherwise; or
4. Owns or controls, jointly or severally, directly or indirectly, through stock ownership or control or otherwise, 20 percent or more in the aggregate of the voting power or control in the business carried on by the person by whom or for whose account the merchandise is imported into the United States, and also 20 percent or more of such power or control in the business of the exporter, manufacturer or producer.

Factual information provided on the record by Union, and supplemented by petitioners, indicates that DKI and Union are both affiliated with Dongkuk Steel Mill ("DSM"). The record shows that DSM holds, directly or indirectly, a controlling share in Union's equity. DSM is in turn controlled by the Korean family which owns the largest block of shares in the company. That same family controls, directly or indirectly, a majority of DKI's equity. The

Department therefore determined that Union and DKI are related to each other by virtue of their common affiliation with the same "parents." (See the Department's internal memorandum from Joseph A. Spetrini to Susan G. Esserman, dated May 22, 1995, and entered onto the record of this proceeding on September 28, 1995—hereinafter referred to as "the collapsing memo").

It is the Department's practice to collapse related parties when the facts demonstrate that the relationship is such that there is a strong possibility of manipulation of prices and production decisions that would result in circumvention of antidumping law. In determining whether to collapse related parties, the Department considers the following factors:

1. The level of common ownership;
2. Whether there are interlocking officers and directors, (e.g., whether managerial employees or board members of one company sit on the board(s) of directors of the other related party(ies));
3. The existence of production facilities for similar or identical products that would not require retooling either plant's facilities to implement a decision to restructure either company's manufacturing priorities; and
4. Whether the operations of the companies are intertwined (e.g., sharing of sales information; involvement in production and pricing decisions; sharing of facilities or employees; transactions between companies).

With respect to the first factor, the Department has determined that there is a significant level of common ownership of both Union and DKI through DSM and the family that controls it. As noted above, factual information provided on the record by Union, and supplemented by petitioners, indicates that DKI and Union are both affiliated with the DSM group. The same family owns by far the largest block of shares in DSM and is listed in DSM's annual filing to the Korean Securities and Exchange Commission ("KSEC") as "controlling" the company. DSM, in turn, directly and indirectly (through its affiliated companies), own a majority of the equity in Union. The same family also owns, directly and indirectly, a controlling share of DKI's equity.

With respect to the second factor, evidence on the record demonstrates that Union, DSM and DKI have interlocking officers and directors. Two of DKI's board are family members and members of DSM's board. Five of Union's 18 board members are members of DSM's board; of those five, one is a member of the family in question. The president of DKI sits on the boards of both DKI and Union. These interlocking

board members and officers participate in board meetings, vote, and voice their opinions on proposals before the board. Because the interlocking directors actively participate in the decision-making process, the potential for these interlocking directors to influence pricing and production decisions for both Union and DKI exists.

With respect to the third factor, the Department has recently clarified that, although not necessarily determinative, this factor is essential. The information presented indicates that DKI and Union produce the identical types of products for the major characteristics that are relevant to production and price decisions for cold-rolled material. They make the same grades and qualities of cold-rolled steel, and material in overlapping thicknesses and thickness tolerances. In regards to thickness tolerances, DKI can relax its rolling practices to make material to Union's tolerances, and Union has the capability to produce material comparable to DKI, yet is not supplying it in the home market. The very existence of DKI suggests that there is a domestic market for tight tolerance material in many of the grades and qualities of steel being supplied by Union. With Union not supplying this material in the home market, it indicates that DKI is meeting domestic demand for this material.

With respect to the fourth factor, Union and DKI have overlapping board members who serve in multiple roles. KSEC filings indicate that both DKI and Union are controlled by DSM. Union's 1993 financial data was combined with DSM's on an "equity-method" basis. (The equity method is used when an investor has the ability to exercise significant influence over the operating and financial policies of the investment.) Union sold subject merchandise through DKI during the POR, and DKI slit sheet into narrower widths for Union during the POR.

On May 22, 1995, for the reasons outlined above, the Department decided to "collapse" Union and DKI for purposes of this review. (For further details, see the collapsing memo.)

The Department is conducting this review in accordance with section 751 of the Act.

#### Scope of the Review

These products include cold-rolled (cold-reduced) carbon steel flat-rolled products, of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished or coated with plastics or other nonmetallic substances, in coils (whether or not in successively superimposed layers) and of a width of

0.5 inch or greater, or in straight lengths which, if of a thickness less than 4.75 millimeters, are of a width of 0.5 inch or greater and which measures at least 10 times the thickness or if of a thickness of 4.75 millimeters or more are of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the HTS under item numbers 7209.11.0000, 7209.12.0030, 7209.12.0090, 7209.13.0030, 7209.13.0090, 7209.14.0030, 7209.14.0090, 7209.21.0000, 7209.22.0000, 7209.23.0000, 7209.24.1000, 7209.24.5000, 7209.31.0000, 7209.32.0000, 7209.33.0000, 7209.34.0000, 7209.41.0000, 7209.42.0000, 7209.43.0000, 7209.44.0000, 7209.90.0000, 7210.70.3000, 7210.90.9000, 7211.30.1030, 7211.30.1090, 7211.30.3000, 7211.30.5000, 7211.41.1000, 7211.41.3030, 7211.41.3090, 7211.41.5000, 7211.41.7030, 7211.41.7060, 7211.41.7090, 7211.49.1030, 7211.49.1090, 7211.49.3000, 7211.49.5030, 7211.49.5060, 7211.49.5090, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7217.11.1000, 7217.11.2000, 7217.11.3000, 7217.19.1000, 7217.19.5000, 7217.21.1000, 7217.29.1000, 7217.29.5000, 7217.31.1000, 7217.39.1000, and 7217.39.5000. Included are flat-rolled products of nonrectangular cross-section where such cross-section is achieved subsequent to the rolling process (*i.e.*, products which have been "worked after rolling")—for example, products which have been bevelled or rounded at the edges. Excluded is certain shadow mask steel, *i.e.*, aluminum-killed, cold-rolled steel coil that is open-coil annealed, has a carbon content of less than 0.002 percent, is of 0.003 to 0.012 inch in thickness, 15 to 30 inches in width, and has an ultra flat, isotropic surface. These HTS item numbers are provided for convenience and customs purposes. The written description remains dispositive.

The POR is August 18, 1993 through July 31, 1994. This review covers sales of certain cold-rolled carbon steel flat products by Dongbu and Union.

#### Verification

As provided in section 776(b) of the Act, we verified information provided by the respondent using standard verification procedures, including on-site inspection of the manufacturers' facilities, the examination of relevant sales and financial records, and selection of original documentation

containing relevant information. Our verification results are outlined in the public versions of the verification reports.

#### United States Price

The Department used purchase price, in accordance with section 772(b) of the Act, because the subject merchandise was sold to unrelated purchasers in the United States. As described below in the "Foreign Market Value" section of this notice, we added the Korean value-added tax to USP.

#### Dongbu

All of Dongbu's U.S. sales were based on the price to the first unrelated purchaser in the United States. The Department determined that purchase price, as defined in section 772(b) of the Act, was the appropriate basis for calculating USP. Depending on the channel of trade, we treated the date of either the purchase order, the internal confirmation or the date of the production order as date of sale. We made adjustments to purchase price, where appropriate, for home-market value-added tax, foreign inland freight, foreign brokerage, ocean freight, containerization, U.S. duty and U.S. brokerage and handling.

No other adjustments were claimed or allowed.

#### Union

All of Union's U.S. sales were based on the price to the first unrelated purchaser in the United States. The Department determined that purchase price, as defined in section 772(b) of the Act, was the appropriate basis for calculating USP. Because quantities were not finalized until the merchandise was actually shipped to the United States, we treated the date of shipment as date of sale (see the Department's analysis memorandum dated September 28, 1995). We made adjustments to purchase price, where appropriate, for cash discounts and rebates, home-market value-added tax, foreign inland freight, foreign brokerage and handling, ocean freight, marine insurance, U.S. duty, U.S. brokerage and handling, U.S. inland freight, and duty drawback. Because Union had understated its U.S. credit expenses by not including bank charges therein, we increased Union's U.S. credit expense by the amount of those charges, which we obtained from the audited financial statement of Union's U.S. subsidiary.

No other adjustments were claimed or allowed.

### Foreign Market Value

Based on a comparison of the volume of home-market sales and third-country sales, we determined that Dongbu's and Union's home markets were viable. Therefore, in accordance with section 773(a)(1)(A) of the Act, we based FMV on the packed, delivered price to unrelated purchasers in the home market, using the date of the invoice as the date of sale.

Based on a review of Dongbu's and Union's submissions, the Department determined that only a small percentage of those companies' home-market sales were made to related parties who, in turn, resold the merchandise ("downstream sales"). The Department determined that Dongbu and Union need not report their home-market downstream sales because of their low volume.

On December 15, 1994, petitioners alleged that Dongbu and Union sold cold-rolled carbon steel flat products in the home market at prices below their cost of production ("COP"). Based on this allegation, the Department determined, on January 17, 1995 (for Dongbu), and on January 18, 1995 (for Union), that it had reasonable grounds to believe or suspect that Dongbu and Union had sold the subject merchandise in the home market at prices below the COP. We therefore initiated cost investigations, in accordance with section 773(b) of the Act. As a result, we investigated whether Dongbu and Union sold such or similar merchandise in the home market at prices below the COP. In accordance with 19 CFR § 353.51(c) we calculated COP for Dongbu and Union as the sum of reported materials, labor, factory overhead, and general expenses, and compared COP to home-market prices, net of price adjustments, discounts and movement expenses.

In accordance with section 773(b) of the Act, in determining whether to disregard home-market sales made at prices below the COP, we examined whether such sales were made in substantial quantities over an extended period of time, and whether such sales were made at prices which permitted recovery of all costs within a reasonable period of time in the normal course of trade.

To satisfy the requirement of section 773(b)(1) that below-cost sales be disregarded only if made in substantial quantities, we applied the following methodology. For each model for which less than 10 percent, by quantity, of the home-market sales during the POR were made at prices below the COP, we included all sales of that model in the computation of FMV. For each model

for which 10 percent or more, but less than 90 percent, of the home-market sales during the POR were priced below the COP of the merchandise, we excluded from the calculation of FMV those home-market sales which were priced below the COP, provided that they were made over an extended period of time. For each model for which 90 percent or more of the home-market sales during the POR were priced below the COP and were made over an extended period of time, we disregarded all sales of that model in our calculation and, in accordance with section 773(b) of the Act, we used the constructed value ("CV") of those models, as described below. *See, e.g., Mechanical Transfer Presses from Japan; Final Results of Antidumping Duty Administrative Review*, 59 FR 9958 (March 2, 1994).

In accordance with section 773(b)(1) of the Act, to determine whether sales below cost had been made over an extended period of time, we compared the number of months in which sales below cost occurred for a particular model to the number of months in which that model was sold. If the model was sold in fewer than three months, we did not disregard below-cost sales unless there were below-cost sales of that model in each month sold. If a model was sold in three or more months, we did not disregard below-cost sales unless there were sales below cost in at least three of the months in which the model was sold. We used CV as the basis for FMV when an insufficient number of home-market sales were made at prices above COP. *See Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from Japan and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, from Japan; Final Results of Antidumping Duty Administrative Reviews*, 58 FR 64720, 64729 (December 8, 1993).

Because Dongbu and Union provided no indication that their below-cost sales of models within the "greater than 90 percent" and the "between 10 and 90 percent" categories were at prices that would permit recovery of all costs within a reasonable period of time and in the normal course of trade, we disregarded those sales within the "10 to 90 percent" category which were made below cost over an extended period of time. In addition, as a result of our COP test for home-market sales of models within the "greater than 90 percent" category, we based FMV on CV for all U.S. sales for which there were insufficient sales of the comparison home-market model at or above COP.

Finally, where we found, for certain of Dongbu's and Union's models, home-market sales for which less than 10 percent were made below COP, we used all home-market sales of those models in our comparisons.

We also used CV as FMV for those U.S. sales for which there was no contemporaneous sale of such or similar merchandise in the home market. We calculated CV in accordance with section 773(e) of the Act. We included the cost of materials, labor, and factory overhead in our calculations. Where the general expenses were less than the statutory minimum of 10 percent of the cost of manufacture ("COM"), we calculated general expenses as 10 percent of the COM. Where the actual profits were less than the statutory minimum of 8 percent of the COM plus general expenses, we calculated profit as 8 percent of the sum of COM plus general expenses. Based on our verification of Dongbu's and Union's cost response, we adjusted Dongbu's, Union's, and DKI's reported COP and CV to reflect certain adjustments to general and administrative expenses and interest expenses. *See the Department's separate cost calculation memoranda for Dongbu (dated August 10, 1995) and Union/DKI (dated September 21, 1995).*

In light of the Federal Circuit's decision in *Federal Mogul v. United States*, CAFC No. 94-1097, the Department has changed its treatment of home-market consumption taxes. Where merchandise exported to the United States is exempt from the consumption tax, the Department will add to the U.S. price the absolute amount of such taxes charged on the comparison sales in the home market. This is the same methodology that the Department adopted following the decision of the Federal Circuit in *Zenith v. United States*, 988 F.2d 1573, 1582 (1993), and which was suggested by that court in footnote 4 of its decision. The Court of International Trade ("CIT") overturned this methodology in *Federal Mogul v. United States*, 834 F. Supp. 1391 (1993), and the Department acquiesced in the CIT's decision. The Department then followed the CIT's preferred methodology, which was to calculate the tax to be added to U.S. price by multiplying the adjusted U.S. price by the foreign market tax rate; the Department made adjustments to this amount so that the tax adjustment would not alter a "zero" pre-tax dumping assessment.

The foreign exporters in the *Federal Mogul* case, however, appealed that decision to the Federal Circuit, which reversed the CIT and held that the

statute did not preclude Commerce from using the "Zenith footnote 4" methodology to calculate tax-neutral dumping assessments (*i.e.*, assessments that are unaffected by the existence or amount of home-market consumption taxes). Moreover, the Federal Circuit recognized that certain international agreements of the United States, in particular the General Agreement on Tariffs and Trade ("GATT") and the Tokyo Round Antidumping Code, required the calculation of tax-neutral dumping assessments. The Federal Circuit remanded the case to the CIT with instructions to direct Commerce to determine which tax methodology it will employ.

The Department has determined that the "Zenith footnote 4" methodology should be used. First, as the Department has explained in numerous administrative determinations and court filings over the past decade, and as the Federal Circuit has now recognized, Article VI of the GATT and Article 2 of the Tokyo Round Antidumping Code required that dumping assessments be tax-neutral. This requirement continues under the new Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade. Second, the Uruguay Round Agreements Act ("URAA") explicitly amended the antidumping law to remove consumption taxes from the home-market price and to eliminate the addition of taxes to U.S. price, so that no consumption tax is included in the price in either market. The Statement of Administrative Action (p. 159) explicitly states that this change was intended to result in tax neutrality.

While the "Zenith footnote 4" methodology is slightly different from the URAA methodology, in that section 772(d)(1)(C) of the pre-URAA law required that the tax be added to United States price rather than subtracted from home-market price, it does result in tax-neutral duty assessments. In sum, the Department has elected to treat consumption taxes in a manner consistent with its longstanding policy of tax-neutrality and with the GATT.

#### Dongbu

In accordance with section 773 of the Act, for those U.S. models for which we were able to find a home-market such or similar match that had sufficient above-cost sales, we calculated FMV based on the packed, f.o.b., ex-factory, or delivered prices to unrelated purchasers in the home market. We made adjustments, where applicable, for certain rebates tied to specific sales, post-sale inland freight, home-market value-added tax, and for home market

direct selling expenses, *i.e.*, credit and warranty expenses. We also adjusted FMV for differences in physical characteristics of the merchandise. Finally, we adjusted FMV for differences in packing by deducting home-market packing expenses from, and adding U.S. packing expenses to, FMV.

#### Union

Because the Department is treating Union and DKI as a single producer of certain cold-rolled carbon steel flat products for purposes of this review, we combined Union's and DKI's home-market sales and cost-of-production data bases in our preliminary calculations. In accordance with section 773 of the Act, for those U.S. models for which we were able to find a home-market such or similar match that had sufficient above-cost sales, we calculated FMV based on the packed, f.o.b., ex-factory, or delivered prices to unrelated purchasers in the home market. We made adjustments, where applicable, for post-sale inland freight, home-market value-added tax, and for home-market direct selling expenses, *i.e.*, credit expenses.

We treated Union's warehousing expense as an indirect selling expense, rather than direct, as Union had claimed, because Union evenly allocated this expense to all home-market sales across-the-board, rather than calculating a discrete warehousing expense for each home-market sale.

We also treated Union's pre-sale inland freight as an indirect selling expense, rather than direct, as Union had claimed, pursuant to the decision by the Court of Appeals for the Federal Circuit in *Ad Hoc Committee v. United States*, 13 F.3d 398 (Fed. Cir. 1994). The Department considers pre-sale movement expenses as direct selling expenses only if the movement expenses in question are directly related to the home-market sales under consideration. In order to determine whether pre-sale movement expenses are direct under the facts of a particular case, the Department examines the respondent's pre-sale warehousing expenses, since the pre-sale movement charges incurred in positioning the merchandise at the warehouse are, for analytical purposes, linked to pre-sale warehousing expenses. If the pre-sale warehousing constitutes an indirect expense, the expense involved in getting the merchandise to the warehouse must also be indirect. Conversely, a direct pre-sale warehousing expense necessarily implies a direct pre-sale movement expense. We note that, although pre-sale warehousing expenses in most cases have been found to be

indirect selling expenses, these expenses may be deducted from FMV as a circumstance-of-sale adjustment in a particular case if the respondent is able to demonstrate that the expenses are directly related to the sales under consideration. In the instant review, Union did not distinguish between pre- and post-sale warehousing expenses, nor did it demonstrate that these expenses were directly tied to the home-market sales under consideration. The Department, therefore, determined to treat home-market warehousing expenses as indirect selling expenses.

We also adjusted FMV for differences in packing by deducting home-market packing expenses from, and adding U.S. packing expenses to, FMV.

During the verification of Union's responses, the Department was unable to fully verify the accuracy of Union's reported home-market product characteristics, because Union did not retain the relevant information in its records. It is the Department's preference to calculate antidumping duties on the basis of price-to-price comparisons whenever possible. It is also the Department's preference to use as much of respondent's data as possible. For purposes of these preliminary results, therefore, the Department has decided to use Union's model-matching product characteristics, but to apply to all of Union's price-to-price sales comparisons a flat, across-the-board adjustment for differences in physical characteristics of the merchandise ("difmer") of 20 percent as the best information otherwise available ("BIA"). Twenty percent is the maximum difmer allowed between U.S. and home-market models for the purposes of comparison. See the Department's internal memorandum from Joseph A. Spetrini to Susan G. Esserman, dated August 8, 1995.

We were able, by contrast, to verify DKI's reported product characteristics. In the model-match program, therefore, we programmed the computer, whenever DKI sales were used as a basis for comparison with Union's U.S. sales, to apply the difmers reported by DKI, rather than an across-the-board difmer of 20 percent, as we did when Union's home-market sales were used as a basis for comparison. We disagree, however, with DKI's categorization of its thickness tolerances as "standard." Based on the Department's model-matching criteria, we have concluded that DKI's thickness tolerances are much closer to U.S. "half-mill" tolerances than to Union's "standard" tolerances. We have therefore created a new category of thickness tolerance—called "other"—for DKI, permitting the

comparison of Union's U.S. sales of "half-mill" to DKI's home-market sales.

#### Preliminary Results of Review

As a result of our comparison of USP to FMV, we preliminarily determine that the following margins exist for the period August 18, 1993, through July 31, 1994:

#### CERTAIN COLD-ROLLED CARBON STEEL FLAT PRODUCTS

Producer/manufacturer/exporter	Weighted-average margin (percent)
Dongbu .....	6.07
Union .....	1.21

Interested parties may request disclosure within 5 days of the date of publication of this notice and may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the date of publication or the first business day thereafter. Case briefs and/or written comments from interested parties may be submitted no later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in those comments, may be filed not later than 37 days after the date of publication of this notice. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between the USP and FMV may vary from the percentages stated above.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided for by section 751(a)(1) of the Act. A cash deposit of estimated antidumping duties shall be required on shipments of certain cold-rolled carbon steel flat products from Korea as follows: (1) The cash deposit rates for the reviewed company will be the rate established in the final results of this review; (2) for previously investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review or the original less-than-fair-value ("LTFV") investigation, but the

manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this review, the cash deposit rate for this case will be 14.53 percent, which is the "all others" rate for the LTFV investigation. See *Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Korea*, 58 FR 37176 (July 9, 1993).

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR § 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and this notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR § 353.22.

Dated: December 8, 1995.

Susan G. Esserman,

*Assistant Secretary for Import Administration.*

[FR Doc. 95-30799 Filed 12-18-95; 8:45 am]

BILLING CODE 3510-DS-P

#### Determination Not to Revoke Antidumping Duty Orders and Findings Nor to Terminate Suspended Investigations

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Determination Not to Revoke Antidumping Duty Orders and Findings Nor to Terminate Suspended Investigations.

**SUMMARY:** The Department of Commerce is notifying the public of its determination not to revoke the antidumping duty orders and findings nor to terminate the suspended investigations listed below.

**EFFECTIVE DATE:** December 19, 1995.

**FOR FURTHER INFORMATION CONTACT:** Michael Panfeld or the analyst listed under Antidumping Proceeding at: Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, N.W., Washington, D.C. 20230, telephone (202) 482-4737.

**SUPPLEMENTARY INFORMATION:** The Department of Commerce (the Department) may revoke an antidumping duty order or finding or terminate a suspended investigation, pursuant to 19 CFR § 353.25(d)(4)(iii), if no interested party has requested an administrative review for four consecutive annual anniversary months and no domestic interested party objects to the revocation or requests an administrative review.

We had not received a request to conduct an administrative review for the most recent four consecutive annual anniversary months. Therefore, pursuant to § 353.25(d)(4)(i) of the Department's regulations, on November 1, 1995, we published in the Federal Register a notice of intent to revoke these antidumping duty orders and findings and to terminate the suspended investigations and served written notice of the intent to each domestic interested party on the Department's service list in each case. Within the specified time frame, we received objections from domestic interested parties to our intent to revoke these antidumping duty orders and findings and to terminate the suspended investigations. Therefore, because domestic interested parties objected to our intent to revoke or terminate, we no longer intend to revoke these antidumping duty orders and findings or to terminate the suspended investigations.

#### Antidumping Proceeding

A-357-405

Argentina

Barbed Wire and Barbless Fencing Wire

*Objection Date:* November 30, 1995; November 20, 1995

*Objector:* Oklahoma Steel & Wire Co.; Insteel Industries, Inc.; Keystone Steel & Wire Company

Contact: Tom Killiam at (202) 482-2704

A-357-007

Argentina

Carbon Steel Wire Rods

*Objection Date:* November 30, 1995

*Objector:* GS Industries, Inc.; GST Steel Company; North Star Steel Texas, Inc.; Co-Steel Raritan, Inc.; Atlantic Steel Company

Contact: Tom Killiam at (202) 482-2704

A-559-502

Singapore

Light-Walled Rectangular Pipe and Tube

*Objection Date:* November 20, 1995

*Objector:* Hannibal Industries, Inc. Contact: Tom Killiam at (202) 482-2704